

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 201904096	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/02/2019 10:51 AM	Location of Incident: Hegeman Avenue and Herzl Street	Precinct: 73	18 Mo. SOL 11/2/2020	EO SOL 6/19/2021	
Date/Time CV Reported Sat, 05/04/2019 7:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/13/2019 11:18 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Derrick Hardy	23611	933831	CW T TF
2. POM Mark Henry	06715	948046	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Derrick Hardy	Abuse: Police Officer Derrick Hardy refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On May 4, 2019, § 87(2)(b) filed this complaint IAB on May 4, 2019, which was subsequently forwarded to the CCRB on May 13, 2019.

On May 2, 2019 at approximately 10:51 a.m., at Hegeman Avenue and Herzl Street in Brooklyn, Police Officer Derrick Hardy of the City-Wide Traffic Task Force allegedly refused to provide his name to § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) § 87(4-b)

§ 87(2)(b) was not arrested during this incident; however, he was issued a summons for § 87(2)(b). There is no known video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Derrick Hardy refused to provide his name to § 87(2)(b)

The investigation established the following facts:

On May 2, 2019, § 87(2)(b) was driving his black 2005 Infiniti on East 98th Street in Brooklyn and made a right turn onto Hegeman Avenue, which was when PO Hardy waved at § 87(2)(b) to stop his vehicle. PO Hardy approached § 87(2)(b)'s driver's side of the vehicle, while PO Henry approached the passenger's side. PO Hardy asked § 87(2)(b) for his license and registration. § 87(2)(b) was compliant and provided the requested paperwork. PO Hardy issued § 87(2)(b) a summons for failure to stop at the stop sign. The remaining details of this case are in dispute: § 87(2)(b) asked PO Hardy why he was stopped and then asked for his name; PO Hardy did not respond, and walked back to his vehicle.

PO Hardy (BR 02) and PO Henry (BR 03) provided consistent testimony that they performed a Vision Zero assignment in the 73rd Precinct, which entailed monitoring traffic conditions in an accident-prone location. PO Hardy and PO Henry monitored traffic on foot.

Neither PO Hardy nor PO Henry had an independent recollection of interacting with § 87(2)(b). In an effort to aid PO Hardy and PO Henry's recollection of the incident, the undersigned presented a photo of § 87(2)(b) along with the summons that was issued to him by PO Hardy. Despite showing the officers the aforementioned documents, neither officer recalled the interaction with § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has no prior CCRB complaints.
- PO Hardy has been a member of service for fifteen years and has been a subject in three CCRB complaints and four allegations, none of which was substantiated. § 87(2)(g)
- PO Henry has been a member of service for ten years and has been a subject in six CCRB complaints and seven allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of July 31, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date